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Rights Bring Responsibility: Clear Constitutional Protections May Be Only the Beginning of the Discussion

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Commentary

Rights bring responsibility

Clear constitutional protections may be only the beginning of the discussion.

By Alan Garfield

Today, Constitution Day, marks the date in 1787 when the framers signed the Constitution in Philadelphia. The observance is a good time to reflect on our rights and responsibilities as Americans, especially given the recent tumult over a threatened Quran-burning in Florida and a proposed Muslim community center in lower Manhattan.

For starters, it's worth noting that the constitutional rights implicated by these two controversies are relatively clear. The Florida pastor Terry Jones does have a First Amendment right to burn the Quran. The Constitution protects such heinous acts because we don't want the government to be able to ban expression just because someone finds it offensive.

Likewise, even if they wanted to, New York City officials could not have denied the Islamic center a permit to build near ground zero on the basis of its religious affiliation. Nor could they have told Catholics to build in Greenwich Village, Jews on the Upper West Side, or Protestants in Midtown. The government may not treat people differently because of their religion.

But while the constitutional rights at issue are clear, these incidents remain disturbing because of the underlying distorted perceptions at work. The threatened Quran-burning, for instance, was infuriating because it could taint the way all Americans are viewed in the Muslim

world. We did not appoint this lunatic preacher to be our spokesman, but we also could not stop him from giving extremist Muslims fuel for their anti-American fire.

Similarly, American Muslims have been living with a taint caused by someone beyond their control. Most of them had probably never heard of Osama bin Laden before 9/11. But the attacks he directed that day cast a pall of suspicion over any American who is or even seems Muslim. Nine years later, that pall persists to the point that many Americans think it's inappropriate for any Muslim group to build a center near ground zero.

For Americans to fulfill our broader constitutional responsibility to create a "more perfect Union," we must not only protect individual rights, but also confront these false perceptions eroding our national unity.

In the case of the Quran-burning, that meant fighting the pastor's speech with more speech. That's why President Obama, Secretary of State Hillary Clinton, and Gen. David Petraeus all went on record to condemn the pastor's plan.

Fighting such misperceptions in the case of the Muslim center is more complex. Non-Muslim Americans should appreciate the position of Muslim Americans after 9/11. Imagine how frightening and isolating it is to see your houses of worship desecrated, your patriotism questioned, and your centuries-old religion reduced to threatening soundbites by self-interested demagogues.

Those hoping to build the community center near ground zero want to refute the false perceptions created by 9/11. They see the center as a symbol of Mus-

lim solidarity with Americans and a reminder that American Muslims were also among the tragedy's victims. One can understand how unsettling it has been to have such a project greeted with angry indignation.

But Muslim Americans also need to put themselves in the shoes of their fellow citizens. Muslims may hate that bin Laden perpetrated the 9/11 horror in the name of their religion, but they must acknowledge the deep scar the attack left on the American psyche.

Of course, Muslim Americans should fiercely defend their constitutional rights. But they should also be forgiving of fellow Americans who have become more fearful of women in head scarves or Muslims in airports. They may have to continue to be patient with non-Muslim Americans who, however irrationally, still need to be reassured of the Muslim community's patriotism. And while they have every right to build an Islamic center near ground zero, they should welcome the opportunity to explain how their project is respectful of the victims of 9/11.

Americans weary of the recent acrimony have recourse. We can refuse to let Osama bin Laden represent all Muslims, or Terry Jones all Americans. We can reach out to our fellow citizens, Muslims and non-Muslims alike. We can reaffirm our mutual commitment to our nation's safety and security, and to its enduring values of liberty and equality.

And what better time to start than Constitution Day?

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